

Message Text

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PAGE 01 VIENNA 02502 01 OF 02 151557Z
ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
SS-15 SP-02 CEQ-01 PM-05 AF-10 ARA-10 EA-10
NEA-10 /141 W
-----120593 151634Z /45

R 151547Z MON 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 5580
INFO USDOEHQ WASHDC
USDOEHQ GERMANTOWN

C O N F I D E N T I A L SECTION 01 OF 02 VIENNA 02502

USIAEA

DEPT PASS IO/SCT
DOE PASS AMMONS, IA

E.O. 11652: GDS
TAGS: ENRG, TECH, IAEA
SUBJECT: TRANSFER OF IAEA SAFEGUARDS ANALYTICAL LABORATORY (SAL) RESIDUES

REF: STATE 54173

1. MISSION CONSIDERS STATEMENT PARA 4 REFTTEL, UNLESS IMPLEMENTED PROPERLY, COULD RAISE QUESTIONS OF PROPRIETY AND FEASIBILITY FROM IAEA'S VIEWPOINT. WE CERTAINLY WOULD NOT RPT NOT WISH TO CREATE PRECEDENT FOR TRANSFER OF SPECIAL FISSIONABLE MATERIAL BY IAEA TO MEMBER STATE OUTSIDE OF RESTRICTIONS ON QUANTITIES AND CIRCUMSTANCES SET FORTH IN, E.G., PARAS 24 THROUGH 26 OF INFCIRC/66 REV.2.

2. ACCORDINGLY, BEFORE INDICATING THAT USG IS PREPARED
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PAGE 02 VIENNA 02502 01 OF 02 151557Z

TO ACCEPT SAL PU-BEARING RESIDUES, MISSION EXPLORED WITH O'NEAL OF DIRECTOR GENERAL'S OFFICE (WHO HAS ATTEMPTED COORDINATE SAL RESIDUE MATTER WITHIN SECRETARIAT), IAEA'S ABILITY TO A) SOLIDIFY (AS WELL AS PACKAGE AND SHIP) RESIDUES PER DOE REQUIREMENTS AND APPLICABLE USG REGULATIONS AND B) MAKE DETERMINATION, IN ACCORD PARA 26

(C) OF INFCIRC/66 REV.2, THAT SOLIDIFICATION PROCESS USED HAS RENDERED SPECIAL FISSIONABLE MATERIAL THEREIN "NO LONGER USABLE FOR ANY NUCLEAR ACTIVITY RELEVANT FROM THE POINT OF VIEW OF SAFEGUARDS" OR THAT IT "HAS BECOME PRACTICABLY IRRECOVERABLE."

3. O'NEAL HAS INFORMED MISSION THAT SECRETARIAT IS CONFIDENT THAT (A) ABOVE CAN BE ANSWERED IN AFFIRMATIVE. (HE MENTIONED POSSIBILITY THAT AGENCY MAY ASK TO BORROW APPROPRIATE SHIPPING CONTAINERS.) RE (B) HE HAD TO AWAIT DEP DIR GEN ROMETSCH'S RETURN MARCH 13. WHILE MISSION HAS NOT YET HAD RESPONSE FROM O'NEAL, WE HAVE DISCUSSED WITH ROMETSCH, WHO IS CONFIDENT THAT PROCESS CAN BE DEvised WHICH WILL PERMIT DETERMINATION BY AGENCY PER PARA 26(C). HE HAS TURNED PROBLEM OVER TO VON BAECKMANN AND EXPECTS HIS RECOMMENDATION BY MARCH 24. WHILE HIGH-TEMPERATURE TREATMENT (TO PRODUCE CERAMIC OR GLASS PRODUCT) IS RULED OUT DUE TO LACK OF FACILITIES, ROMETSCH AND VON BAECKMANN HAVE IDENTIFIED SEVERAL CHEMICAL POSSIBILITIES. ROMETSCH MENTIONED NEED TO APPROACH PROBLEM WITH DUE CARE IN ORDER TO AVOID SETTING UNDESIRABLE PRECEDENTS, BUT IS OPTIMISTIC.

4. MEANWHILE, MISSION LEARNED IN CASUAL CONVERSATION WITH ASST. DIR GEN FISCHER DURING EVENING MARCH 8 THAT DIR GEN EKLUND HAD SENT CABLE ON MARCH 4 TO AMB. SMITH ON MATTER OF SAL RESIDUES. WHEN COPY OF CABLE WAS CONFIDENTIAL

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PAGE 03 VIENNA 02502 01 OF 02 151557Z

OBTAINED FROM FISCHER FOLLOWING DAY, WE NOTED IT CONTAINED MISSTATEMENTS WHICH ATTRIBUTED AGENCY'S INABILITY TO OBTAIN AGREEMENT BY FRANCE OR OTHER GOVERNMENTS TO ACCEPT SAL RESIDUES TO SAFEGUARDS TERMS AND CONDITIONS IMPOSED BY USG. ACCORDINGLY, AND IN LIGHT OF INSTRUCTION PARA 4 REFTL, I SENT LETTER ADDRESSED TO DIR GEN DATED MARCH 10, OPERATIVE TEXT AS FOLLOWS:

"AMBASSADOR STONE'S LETTER TO DR. ROMETSCH OF OCTOBER 4, 1977 RECORDED THE REQUIREMENTS OF THE UNITED STATES, AS PREVIOUSLY EXPLAINED BY MEMBERS OF THE MISSION TO MEMBERS OF THE SECRETARIAT AND THE FRENCH CEA, IN THEIR MEETING ON SEPTEMBER 30, 1977, CONCERNING THE TRANSFER BY THE AGENCY TO FRANCE OF THAT PORTION OF THE SAL RESIDUES WHICH WILL CONTAIN SPECIAL FISSIONABLE MATERIAL OF U.S. ORIGIN. THE REQUIREMENTS OF THE UNITED STATES, AS RECORDED IN THAT LETTER, DID NOT INCLUDE ANY REFERENCE TO 'SAFEGUARDS TERMS' OR TO 'SAFEGUARDS CONDITIONS.' MOREOVER, AMBASSADOR STONE'S LETTER CONCLUDED WITH ASSURANCE THAT THE UNITED STATES WOULD MINIMIZE TO THE EXTENT FEASIBLE ANY INCONVENIENCE WHICH RESULTS FROM IMPLEMENTA-

TION OF UNITED STATES LEGAL REQUIREMENTS PERTAINING TO
ARRANGEMENTS BETWEEN THE AGENCY AND FRANCE FOR THE PRO-
POSED TRANSFER.

"THE ACTING DIRECTOR GENERAL'S RESPONSE TO AMBASSADOR
STONE OF OCTOBER 28, 1977 MADE REFERENCE TO A FRENCH
'OFFER' BUT NOTED THAT 'CERTAIN DIFFICULTIES HAVE
ARISEN DUE TO THE LIMITATIONS RESULTING FROM UNITED STATES
LEGISLATION.' THAT LETTER DOES NOT ELABORATE ON SUCH
'DIFFICULTIES' BUT DR. GOLDSCHMIDT IN HIS TELEGRAM TO DR.
ROMETSCH OF OCTOBER 14, 1977, REFERRED TO FRANCE BEING
UNABLE 'TO ACCEPT THE BURDEN OF IAEA SAFEGUARDS ON THESE

NOTE BY OC/T: REFERENCE BELIEVED INCORRECT.
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PAGE 04 VIENNA 02502 01 OF 02 151557Z

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PAGE 01 VIENNA 02502 02 OF 02 151559Z
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C O N F I D E N T I A L SECTION 02 OF 02 VIENNA 02502

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WASTES'.

"NEITHER IN THE DISCUSSIONS OF SEPTEMBER 30 BY MEMBERS OF
THE MISSION NOR IN AMBASSADOR STONE'S LETTER OF OCTOBER 4
WAS THERE MENTIONED ANY REQUIREMENT OF THE UNITED STATES

FOR IAEA SAFEGUARDS IN CONNECTION WITH THE POSSIBLE TRANSFER OF SAL RESIDUES TO FRANCE. DR. GOLDSCHMIDT'S TELEGRAM DOES NOT SPECIFY THAT SUCH SAFEGUARDS WOULD BE REQUIRED BY THE UNITED STATES, BUT SEEMS TO IMPLY THAT THIS IS THE CASE. THE MISSION SUGGESTED TO THE SECRETARIAT, AT THE TIME, THAT DR. GOLDSCHMIDT'S APPARENT IMPRESSION BE CORRECTED.

"YOUR CABLE TO AMBASSADOR SMITH, RATHER THAN CLARIFYING THE MISTAKEN IMPLICATION BY DR. GOLDSCHMIDT, ATTRIBUTES THE FAILURE OF THE AGENCY TO REACH AGREEMENT TO THE TRANSFER OF SAL RESIDUES TO FRANCE, OR POSSIBLY OTHER GOVERNMENTS, TO SAFEGUARDS TERMS AND CONDITIONS REQUIRED BY THE UNITED STATES.

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PAGE 02 VIENNA 02502 02 OF 02 151559Z

"YOU MAY WISH TO CORRECT THE INFORMATION PROVIDED TO AMBASSADOR SMITH."

5. IN LIGHT OF FOREGOING, I SUGGEST ANSWER TO EKLUND'S CABLE OF MARCH 4 BE LIMITED TO ACKNOWLEDGEMENT AND STATEMENTS THAT A) MISSION HAS RAISED IMPORTANT QUESTIONS WITH SECRETARIAT RELEVANT TO USG CONSIDERATION OF MATTER, B) ANSWERS BY SECRETARIAT HOPEFULLY WILL BE SUCH THAT USG WILL BE ABLE TO REACH FAVORABLE CONCLUSION. IN EVENT NO CORRECTION TO EKLUND'S CABLE OF MARCH 4 HAS BEEN RECEIVED FROM AGENCY, RESPONSE SHOULD ALSO REITERATE THAT MARCH 4 CABLE IS INCORRECT IN ATTRIBUTING TO USG "SAFEGUARDS TERMS" OR "SAFEGUARDS CONDITIONS" FOR TRANSFER OF RESIDUES BY IAEA TO FRANCE OR ANY OTHER STATE. LABOWITZ

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISSIONABLE MATERIALS TRANSFER, LABORATORIES, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978VIENNA02502
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: n/a
Expiration:
Film Number: D780115-0550
Format: TEL
From: USIAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197803123/aaaafhwr.tel
Line Count: 210
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON MICROFILM, TEXT ON-LINE
Message ID: 43625ebb-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 54173
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3164201
Secure: OPEN
Status: <DBA CORRECTED> mcm 970815
Subject: TRANSFER OF IAEA SAFEGUARDS ANALYTICAL LABORA- TORY (SAL) RESIDUES
TAGS: ENRG, IAEA, TECH
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/43625ebb-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014